

106 CMR: Department of Transitional Assistance

Trans. by S.L. 484

Fair Information Practices  
General Provisions

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SECTION

100.000

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100.010: Authority

These regulations in Chapters 100 through 108 are promulgated pursuant to G.L. c. 66A, § 3, as appearing in St. 1975, c. 776 and amended by St. 1977, c. 691, and pursuant to G.L. c. 18 § 10.

100.020: Scope

These regulations in Chapters 100 through 108 shall govern the collection, maintenance and disclosure of personal data contained in manual or computerized personal data systems. These regulations shall not apply to criminal offender record information, intelligence information or evaluative information, as defined in G.L. c. 6, § 167.

100.030: Application

These regulations in Chapters 100 through 108 shall apply to all personal data systems maintained by the Department of Transitional Assistance and all holders as defined in § 101.040 which contract with the Department of Transitional Assistance.

100.040: Department of Transitional Assistance Instructions

The Department of Transitional Assistance shall issue instructions consistent with these regulations and with G.L. c. 66A to carry out the purposes set out herein. Such instructions shall include, but need not be limited to the following:

- (A) procedures for obtaining consent from a data subject to the granting of access to personal data concerning him;
- (B) general authorizations for the Department of Transitional Assistance to grant access to personal data or, with the consent of the disclosing agency, to receive personal data, without the consent of the data subject, to the extent permitted by G.L. c. 66A, § 2 (c);
- (C) procedures for maintaining the audit trail required by section 103.060;
- (D) procedures for governing access to personal data by data subjects, which:
  - (1) ensure that any substitute or proxy for the individual data subject be duly authorized by him;
  - (2) regulate the time and place for inspection and the manner of copying; provided that the time for inspection shall not be unduly restricted;

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- (3) require that data files be reviewed in the presence of or under the supervision of an employee of the Department of Transitional Assistance; and
- (4) ensure proper identification of a person claiming to be a data subject.
- (E) Procedures governing response to compulsory legal process, as required by 106 CMR 104.050;
- (F) Interpretation of statutes affecting the Department of Transitional Assistance which prohibit, regulate or permit access to personal data; and
- (G) Procedures for obtaining informed consent to the collection of personal data, where such collection is not mandated by law.

100.050: Policy on Fees

Where applicable, fees for copying records shall be charged in accordance with the schedule set forth in 106 CMR 100.060. Fees may only be charged where an individual requests that a copy be made of the record to which he or she is granted access.

100.060: Fee Schedule

- (A) Except as provided in paragraph (D), the Department of Transitional Assistance shall charge a fee of 10 cents per page for photocopying records susceptible to photocopying.
- (B) Except as provided in paragraph (D), the Department of Transitional Assistance shall charge a fee substantially equivalent to the actual cost of reproduction as determined by the responsible Department of Transitional Assistance employee for copying records not susceptible to photocopying (e.g., punch cards or magnetic tapes). Where a copy of the record must be made in order to provide access to the record (e.g., computer printout where no screen reading is available), the copy shall be made available to the individual without cost.
- (C) A fee reasonably related to cost may be charged for making a search of a system of records, provided that such fee is consistent with 950 CMR 32.06 of the Freedom of Information Regulations promulgated by the Supervisor of Public Records (effective January 6, 1978).
- (D) No charge will be made if the total fee specified in 106 CMR 100.060 would not exceed two dollars.

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100.070: Payment of Fees

Any fee due under section 100.060 shall be paid in advance of the receipt of copies of personal data by check or money order made payable to the commonwealth of massachusetts and delivered to the responsible Department of Transitional Assistance employee, but payment in cash, for which a receipt shall be given, shall be accepted where the total charge is five dollars (5) or less.